

Contempt Packet

This packet is used to seek relief from the court if the other party has violated or not followed a court order or judgment.

You do not need to complete separate **Affidavits for Contempt** if the other party has violated more than one court order. If the other party has violated more than one court order, complete the **Order to Show Cause** and the **Affidavit for Finding of Contempt** and list all the court orders the other party has violated, even if the issues are unrelated.

You are encouraged to seek some legal assistance to verify that these forms are the most appropriate for your situation.

There is no fee for filing a contempt motion with the Court.

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Forms and Instructions for the following:

- Order to Show Cause
- Affidavit for Finding of Contempt
- Contempt Order

Financial Disclosure Statements

Procedural Checklist

1. Complete the **Order to Show Cause** and the **Affidavit for Finding of Contempt** forms. (Line-by-line instructions for these forms follow this checklist.)
2. Make three copies of each form (four if the Child Support Agency is involved) and bring them to the Clerk in the Family Court office in room 109 of the Courthouse.
3. The Court Commissioner has up to 48 hours to sign the Order to Show Cause, after which a court date will be scheduled. You can call the Family Court office at (262)653-2454 when 48 hours have lapsed to see if your paperwork is ready to be picked up, however a clerk will call you when the paperwork is signed and ready for pickup.

4. After filing the forms, you must make arrangements to have one of the date-stamped copies served on the other party. **Deadline:** The other party and the Child Support Agency (if a party) must be served with the forms **no later than five (5) business days before the date of the hearing.**
5. You **MUST** file the original **Affidavit of Service** or **Admission of Service** AND the original documents on or before the date of your hearing in the Family Court Office (Courthouse, Room 109). This proves that you served the **Order to Show Cause and Affidavit for Finding of Contempt** on the other party, and on the State of Wisconsin, if it is a party. Keep one copy for your records.
6. Go to the correct courtroom at least 20 minutes before your assigned court time and let the bailiff or court clerk know for which case you are appearing. Take a copy of the **Affidavit of Service** or **Admission of Service**, the original and two copies of your **Financial Disclosure Statement**, if it was required (refer to the bottom of the **Order To Show Cause** form), and any other documents you think may help you make your case to the court. If you wish to bring other people to testify for you, make sure they come to court in person. A letter from them is not enough.
7. When your case is called, go to the front of the room and sit where directed by the court or the bailiff. Bring all your papers and documents with you.
8. Present your case to the Judge or Court Commissioner as directed. Be prepared to state your side of each issue clearly and completely. Be prepared to answer questions that may be asked of you by the Court or by the other side. If you wish to offer written evidence or documents to the court, give the original to the court and a copy to the other side. Use the Affidavit you prepared as an outline to follow while you are in court to be sure you remember each issue you want to raise.
9. The judge or Court Commissioner will state his/her decisions/rulings to you. Take notes because you must be able to write the ruling in a specific format upon request. The court **may** also set a review hearing for the parties to return to court.
10. If the other party is found by the court to be in contempt of court, he/she may be given remedial sanctions or consequences for not complying with the original court order/judgment. He/she may also be given a certain amount of time to comply with specific actions to stop the contempt (also known as purge terms). The court official will give you instructions as to how to proceed from the date of the hearing. If the court does not give instructions, and the other party has not complied with the purge terms, you may write a letter to the court official explaining that the other party has not complied with the order and request action from the court. You must also send a copy of the letter you wrote to the court to the other party(s).
11. At the end of your hearing, complete the **Contempt Order**.
12. The court will enter the order and distribute copies to the parties while you are still in court.

Forms

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| Order To Show Cause: | This form will order the other party into court on a specific date. |
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1. Complete the caption (top portion) of the Order to Show Cause the same way it appears in your original Divorce or Paternity papers.
 - Mark an **X** in the box to indicate if this matter is in relation to a Marriage or a Paternity. If Paternity, write the initials of the child.
 - Write the first name, middle initial, and last names of the parties in the same order in which it was completed in your original Divorce or Paternity papers.
 - Call the Child Support Division at (262) 697-4500 to determine if the State of Wisconsin is a party to this case. Mark only one box with an **X** to report if the State is a party to the case or not.
 - Write in your case number.
2. Write the other party's name in the paragraph entitled **It is Ordered**.
3. **DO NOT** complete the sections labeled **Before, Place, Date, and Time**- the court will complete those portions.
4. Mark an **X** in the box of the last paragraph to indicate whether or not the contempt is related to financial matters.

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| Affidavit for Finding of Contempt: | This form informs the court, the other party, and the State (if a party) why you believe the other party has violated or not followed a court order. |
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1. Repeat step 1 from the **Order To Show Cause**.
2. You are the party making the request. Write your name on the first line.
3. **Paragraph 1:** Mark an **X** in the box that describes which party you are in the action (see caption).
4. **Paragraph 2:** Write the date of the court order or judgment that the other party has violated, and on the lines below, write the **specific** details of that order or judgment. Attach the court order/judgment or additional sheets if necessary.
5. **Paragraph 3:** List all the reasons you believe the other party has violated the court order of judgment. Put each reason in a separate paragraph and number them. Attach additional sheets if necessary.
6. **Signature: Do not sign this Affidavit until you are in the presence of a Notary Public.** A Notary Public is located in the Courthouse Room 109. **You must bring a photo ID.** You must also write your address beneath your signature.

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| Contempt Order: | This form makes a formal, enforceable record of what happened during the court hearing. Without this written Order , the court does not recognize the orders or decisions made in court and cannot, therefore, enforce what the judge decided. |
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1. At the end of the hearing complete the caption (top portion) of the **Contempt Order** the same way you completed it on the **Order to Show Cause**.

I. HEARING

2. **Paragraph 1:** Write the name of the judge or commissioner who was present at your contempt hearing.
3. **Paragraph 3:** List the date of the contempt hearing.

II. APPEARANCES

4. **Paragraph 1:** Mark if the Petitioner/Joint Petitioner appeared in person or not, and whether he/she was self-represented or represented by an attorney. If an attorney was present on his/her behalf, list the attorney's firm name and the attorney's name.
5. **Paragraph 2:** Mark if the Respondent/Joint Petitioner appeared in person or not, and whether he/she represented himself/herself. If an attorney was present on his/her behalf, list the attorney's firm name and the attorney's name.

6. **Paragraph 3:** If an attorney for the State of Wisconsin appeared, mark an **X** in the box and write in the attorney's name.
7. **Paragraph 4:** List all other persons who appeared in court on either party's behalf or gave testimony.

III. FINDINGS

8. **Paragraph A:** Print the name of the other party on the first line, the date of the original court hearing, and write what the court found (determined) that the other party was supposed to do in the previous court order.
9. **Paragraph B:** Indicate whether or not the court found the other party to be in Contempt of Court by marking an **X** in either 1 or 2. If the other party was found to be in Contempt of Court, also mark or write what the other party failed to do in the last court order/judgment. Mark all that apply in 2 with an **X**.
10. **Paragraph C:** Mark with an **X** if the court made additional Findings and list them. If the court did not make any additional findings, leave paragraph C blank.

IV. ORDER

11. **Paragraph A:** If the other party was found to be in Contempt of Court, the court may give the other party a remedial sanction or punishment. If the court gave a jail sentence as a remedial sanction, mark an **X** in box one **(1)** and write the number of days he/she was ordered to serve. You will also need to indicate if the court allowed the other party Huber (work release) privileges or not. If the court gave a different type of remedial sanction, mark an **X** in box two **(2)** and write the sanction on the lines that follow. If a judge gives a jail sentence as a remedial sanction, he/she may also allow the other party to have Huber (work release) privileges, which would give/him/her the ability to leave jail to go to work.
12. **Paragraph B:** The court official may "stay" the remedial sanction (give the party a grace period to get out of contempt). If the remedial sanction was not stayed, mark an **X** in box one **(1)** and list the date the court gave for the imposition or execution for the sanction. If the sanctions were stayed, mark an **X** in box two **(2)** and write the date until which the sentence is stayed.
13. **Paragraph C 1 thru 3:** If remedial sanctions were given, the court must allow the other party a way to purge, or get out of contempt. If the court ordered him/her to pay a sum of money to purge the contempt, mark an **X** in box one **(1)** and list the amount of money he/she was ordered to pay. If he/she was ordered to pay the amount all at once, mark an **X** in box **a**, and write the date by which he/she was ordered to pay the full amount. If he/she was ordered to make installments, mark an **X** in box **b**, write how often he/she was ordered to make payments (month, week, day, etc), and the date those payments should start and end.

If he/she was ordered to pay money you must also indicate in box two **(2)** to whom the payment(s) must be made: box **a**. WI Support Collection Trust Fund, box **b**. you directly, or box **c**. to another party. If the WI SCTF, indicate if it was ordered by wage assignment (garnishment) or by direct payment. If it was ordered by wage assignment include the party's employer information.

If other purge terms were given, mark an **X** in box three **(3)** and write the terms in the blank.

Finally, you must write in how much time the remedial sanction and purge terms are to remain in effect. In other words, for how long after this court hearing can the court give the other party the remedial sanction if he/she does not follow the purge terms.

14. **Paragraph D:** Write in all other Orders made by the court.

15. **Signatures:** The court official who heard the case will sign the **Contempt Order** after it has been submitted to the Family Court Office.